

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NO. 05-10003-NMG

UNITED STATES

v.

DENNIS ALBERTELLI
Defendant

MEMORANDUM IN SUPPORT OF COUNSEL'S MOTION TO WITHDRAW

Charles W. Rankin, counsel to defendant Dennis Albertelli, submits this memorandum in support of his motion to withdraw as counsel. In its filing, the government notes that:

- On January 7, 2005, the defendant was charged in a five count indictment, and counsel entered his appearance for Mr. Albertelli;
- On April 7, 2005, a **395 count** superseding indictment was returned, adding numerous new charges;
- On September 13, 2006, a second superseding indictment was returned, adding a charge under 18 U.S.C. § 844(h), which carries a ten year mandatory minimum sentence.

The government contends that the case has had the same general parameters since April 7, 2005.

Counsel's effort to withdraw is not prompted by some increased complexity of the case. Rather, counsel's action is prompted by the defendant's failure to honor his agreement to pay counsel. It is clear that it will take weeks, if not months, to try this case. It would be unfair in the extreme to require counsel to continue representing Mr. Albertelli when he is not being paid.

Counsel is prepared to disclose to the Court the terms of his financial arrangement with the defendant, and the financial reasons for this motion. The government's suggestion of an ex parte hearing is appropriate; however, counsel is not seeking to be appointed pursuant to the Criminal Justice Act.

Respectfully submitted
The defendant Dennis Albertelli
By his attorney

/s/ Charles W. Rankin

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CERTIFICATE OF SERVICE

I certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the NEF and paper copies will be sent to those indicated as non-registered participants on January 31, 2008.

/s/ Charles W. Rankin

Charles W. Rankin